

EXHIBIT A

FOLEY & LARDNER LLP
LARRY L. SHATZER, *Pro hac vice*
lshatzer@foley.com
3000 K STREET N.W., SUITE 600
WASHINGTON, D.C. 20007-5109
TELEPHONE: 202.672.5300
FACSIMILE: 202.672.5399

FOLEY & LARDNER LLP
GINA A. BIBBY, BAR NO. 242657
gbibby@foley.com
975 PAGE MILL ROAD
PALO ALTO, CA 94304-1013
TELEPHONE: 650.856.3700
FACSIMILE: 650.856.3710

Attorneys for Defendant,
HI-TECH PHARMACAL CO. INC.

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION**

SAN FRANCISCO TECHNOLOGY INC.,
Plaintiff,

v.

THE GLAD PRODUCTS COMPANY, BAJER
DESIGN & MARKETING INC., BAYER
CORPORATION, BRIGHT IMAGE
CORPORATION, CHURCH & DWIGHT CO.
INC., COLGATE-PALMOLIVE COMPANY,
COMBE INCORPORATED, THE DIAL
CORPORATION, EXERGEN CORPORATION,
GLAXOSMITHKLINE LLC, HI-TECH
PHARMACAL CO. INC., JOHNSON
PRODUCTS COMPANY INC., MAYBELLINE
LLC, MCNEIL-PPC INC., MEDTECH
PRODUCTS INC., PLAYTEX PRODUCTS
INC., RECKITT BENCKISER INC., ROCHE
DIAGNOSTICS CORPORATION,
SOFTSHEEN-CARSON LLC, SUN
PRODUCTS CORPORATION, SUNSTAR
AMERICAS INC.,

Defendants.

Case No. CV10-00966 JF

**DECLARATION OF GARY M. APRIL IN
SUPPORT OF DEFENDANT HI-TECH
PHARMACAL CO. INC.'S MOTION TO
SEVER AND TRANSFER VENUE TO
EASTERN DISTRICT OF NEW YORK**

Date: June 18, 2010

Time: 9:00 a.m.

Courtroom: 3, 5th Fl., Hon. Jeremy Fogel

Complaint Filed: March 5, 2010

1 Gary M. April, of full age, hereby declares as follow:

2 1. I am the President of the Health Care Products Division of Hi-Tech Pharmacal
3 Co., Inc. ("Hi-Tech"). I currently reside in New York and work at Hi-Tech's Amityville, New
4 York facility.

5 2. I have personal knowledge of the facts set forth herein, or believe them to be true
6 based on information I have received in the course of my duties, and am competent to testify to
7 the same.

8 3. I submit this declaration in support of Hi-Tech's Motion to Sever and Transfer
9 Venue to Eastern District of New York.

10 4. Hi-Tech is a corporation organized and existing under the laws of the State of
11 Delaware, having a principal place of business at 369 Bayview Avenue, Amityville, New York,
12 11701.

13 5. Hi-Tech is in the business of researching, developing and manufacturing
14 pharmaceutical drug products.

15 6. Hi-Tech maintains U.S. facilities in Amityville, New York and Montgomery
16 Alabama. Hi-Tech has no facilities in the State of California. Hi-Tech has no employees in the
17 State of California.

18 7. Hi-Tech is not registered with the California Secretary of State to do business in
19 the State of California.

20 8. Hi-Tech does not own or lease any real property in the State of California. Hi-
21 Tech does not maintain a bank account in the State of California.

22 9. Hi-Tech does not have any subsidiaries in the State of California.

23 10. Hi-Tech stopped selling Zostrix Neuropathy Cream in October 2009.

24 11. Hi-Tech did not manufacture or package Zostrix Neuropathy Cream in the State
25 of California. Zostrix Neuropathy Cream was manufactured and packaged for Hi-Tech in
26 Mississigua, Ontario, Canada.

27 12. Hi-Tech has not directly advertised Zostrix Neuropathy Cream in the State of
28 California. Zostrix Neropathy Cream is advertised nationally via national publications and via

1 the website "www.zostrix.com," but that website and the published national advertisements did
2 not and do not identify any patents.

3 13. None of the relevant documents and witnesses with substantive knowledge
4 regarding the manufacture, labeling, packaging, marketing, advertising or sales is located in the
5 State of California. Rather, most such documents are either in New York or Ontario.

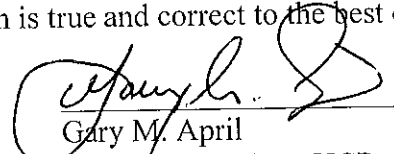
6 14. Hi-Tech's patent marking decisions and activities all originated in New York.

7 15. All decisions relating to sale and promotion of Zostrix originate with the officers,
8 managers and employees located in New York.

9 16. Hi-Tech's marketing and advertising is handled out of its New York headquarters.

10 I, Gary M. April, hereby declare under penalty of perjury under the laws of the United
11 States of America that the foregoing Declaration is true and correct to the best of my knowledge.

12 Dated: May 10, 2010


13 Gary M. April
14 Division President, HCP
15 Hi-Tech Pharmacal Co., Inc.
16
17
18
19
20
21
22
23
24
25
26
27
28